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09/834,197	04/12/2001	Asko Korsi	NC30519	3940

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EXAMINER

BEHULU, ALEMAYEHU --

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,197

Applicant(s)

KOMSI

Examiner

Alemayehu Behulu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/14/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinder (U.S. Patent No. 5,758,267).

Regarding claim 14, Pinder discloses a method to control an entity in a mobile station having at least one wireless transceiver, the entity being responsive to a plurality of commands for eliciting a plurality of functions (column 1, lines 62-column 2, lines 13), comprising detecting an acceleration vector of a proprioceptive sensor (column 1, lines 62-column 2, lines 13); and transmitting a message through the at least one wireless transceiver based on the acceleration vector (figure 4, number 55, 50, figure 5, number 60, column 5, lines 12-60), the message comprising at least one instruction that governs behavior of the entity (column 5, lines 46-60).

Regarding claim 15, Pinder discloses the method of claim 14 wherein the message comprises at least one machine instruction where the proprioceptive sensor has an orientation state; (figures 4, 5, number 60, column 5, lines 12-45); and where there is at least one mobile station conduit coupled to the proprioceptive sensor (figures 4, 5, number 45, column 5, lines 12-45).

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Regarding claim 16, Pinder discloses the method of claim 14 wherein the entity has an associated set of instructions and the message comprises the set of instructions (column 2, lines 52-column 4, lines 36, column 5, lines 36-60).

Regarding claim 17, Pinder discloses the method of claim 14 further comprising making a feedback sound (column 4, lines 24-36, column 5, lines 54-60).

2. Claims 32, 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Lands (U.S. Patent No. 6,411,828), as provided by the applicant.

Regarding claims 32, 38, Lands discloses a method to set a call reception state of a wireless device, comprising: detecting, from an output of a proprioceptive sensor, an orientation of the wireless device when at rest upon a surface; and setting the call reception state of the wireless device based on the detected orientation (figures 2A, 3A, column 2, lines 7-29, 4, lines 26-36, column 5, lines 31-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder (U.S. Patent No. 5,758,267) in view of Hardouin (U.S. Patent No. 6, 311, 078).

Regarding claim 18, Pinder discloses the method of claim 14. However, Pinder fails to disclose making a feedback vibration. But, Hardouin discloses making a feedback vibration (figure 1, number 118). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Pinder (U.S. Patent No. 5,758,267) with Hardouin (U.S. Patent No. 6, 311, 078) so that only the user of the device is alerted without disturbing other people in the room or close by.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder (U.S. Patent No. 5,758,267) in view of Lu (U.S. Patent No. 6,603,420).

Regarding claim 19, Pinder discloses the method of claim 14. However, Pinder fails to disclose wherein message is used to control movement of an entity in another device. However, Lu discloses wherein message is used to control movement of an entity in another device (column 1, lines 66-column 2, lines 24). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Pinder (U.S. Patent No. 5,758,267) and Lu (U.S. Patent No. 6,603,420) so that the problem of locating button and potential repetitive stress injury are eliminated (as suggested by Lu).

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5. Claims 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardouin (U.S. Patent No. 6, 311, 078) in view of Nilson (U.S. Patent No. 6,529,144).

Regarding claim 20, Hardouin discloses a method to send a feedback contextual response to a calling device comprising detecting one acceleration during a time interval (figure 2, number 206, column 1, lines 24-41 and column 1, lines 65-column 2, lines 17), detecting and incoming call signal from calling device (figure 2, number 204, column 1, lines 24-41 and column 2, lines 4-7), selecting an announcement based on the orientation of the mobile station; and transmitting the announcement (figure 2, number 207 and column 2, lines 4-26, column 1, lines 24-38).

However, Hardouin fails to disclose wherein the detected at least one acceleration is indicative of an orientation of a mobile station in three-dimensional space. But, Nilson discloses wherein the detected at least one acceleration is indicative of an orientation of a mobile station in three-dimensional space (column 2, lines 58-column 3, lines 10). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Hardouin (U.S. Patent No. 6, 311, 078) with Nilson (U.S. Patent No. 6,529,144) in order to activate the device easily, hands free from all directions (as suggested by Nilson).

Regarding claims 21, the combination of Hardouin and Nilson disclose the method of claim 20 wherein detecting at least one acceleration further comprises detecting at least two accelerations; and determining an average acceleration based on the at least two accelerations (see Nilson, column 2, lines 58-column 3, lines 10). However, Hardouin and Nilson fail to disclose detecting

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an average acceleration based on the at least two accelerations. However, detecting average acceleration is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the average of the two acceleration values in order to have a better measurement of acceleration over a predetermined period of time.

Regarding claims 22, the combination of Hardouin and Nilson disclose the method of claim 21 further comprising the step of determining if the average acceleration is within a tolerance of a neutral position acceleration vector (see Hardouin, figure 2, numbers 202, 203, 206, 208, 213, 216).

Regarding claims 23, the combination of Hardouin and Nilson disclose the method of claim 20 further comprising detecting a second at least one acceleration (see Nilson, column 2, lines 58-column 3, lines 10); and selecting an alert (see Hardouin figure 2, number 207, 214, column 1, lines 33-36) based on the second at least one acceleration (see Nilson, column 2, lines 58-column 3, lines 10).

Regarding claims 24, the combination of Hardouin and Nilson disclose the method of claim 21 further comprising selecting the announcement (see Hardouin figure 2, number 207, 214, column 1, lines 33-36) based on the second the at least one acceleration (see Nilson, column 2, lines 58-column 3, lines 10).

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Regarding claim 25, the combination of Hardouin and Nilson disclose the method of claim 24 wherein announcement is sound (see Hardouin figure 1, number 117).

Regarding claim 26, the combination of Hardouin and Nilson disclose the method of claim 24 wherein announcement is a text (see Hardouin figure 1, number 116).

Regarding claim 27, the combination of Hardouin and Nilson disclose the method of claim 24 wherein announcement is a mode (see Hardouin figure 1, number 116, 117, note: text and voice are part of a mode).

6. Claims 28, 30, 34, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (U.S. Patent No. 6,603,420) in view of Baskin (U.S. Patent No. 5,307,055).

Regarding claims 28, 30, Lu discloses a method to propagate a mobile entity from a first wireless device to a second device (figure 2), comprising: detecting an orientation of the first wireless device from an output of a proprioceptive sensor (column 1, lines 42-54, and lines 66-column 2, lines 11); based on the detected orientation, changing at least a location of the mobile entity on the first wireless device; if the changed of at least the location of the mobile entity meets a criterion (figures 3A-4B, column 5, lines 38-47), transmitting a description of the mobile entity from the first wireless device to the second device (figures 2-4, column 2, lines 12-53, abstract, claim 1), and displaying the mobile entity on a display of the second device (column 5, lines 49-column 6, lines 15). However, Lu fails to disclose a display device of the first wireless device,

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and storing the description in a memory of the second device. But, Baskin discloses a display device of the first wireless device (figure 1, number 18), and storing the description in a memory of the second device (column 5, lines 35-49, column 6, lines 52-column 7, lines 27). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Lu (U.S. Patent No. 6,603,420) with Baskin (U.S. Patent No. 5,307,055), so that the user can go back and forth between currently displayed graphic images and stored notes during presentation (as suggested by Baskin).

Regarding claim 34, Lu discloses a wireless device comprising a wireless transceiver (figure 2), a proprioceptive sensor, having program instructions to propagate a mobile entity from the wireless device to another device (column 1, lines 66-column 2, lines 24), comprising first program instructions to detect an orientation of the wireless device from an output of the proprioceptive sensor (column 1, lines 42-lines 54 and lines 65-column 2, lines 43); based on the detected orientation, third program instructions responsive to changed at least the location of the mobile entity meeting a criterion (figures 3A-4B, column 5, lines 38-47), and display of the mobile entity on a display of the another device (column 5, lines 49-column 6, lines 15).

However, Lu fails to disclose a visual display, a memory, and a data processor operating under control of a stored program, responsive to changed display of second program instructions to change a display of at least a location of the mobile entity on the visual display. But, Baskin discloses a visual display (figure 1, number 18), a memory (figure 1, number 15), and a data processor operating under control of a stored program (figure 1, number 13), responsive to changed display of second program instructions to change a display of at least a location of the

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mobile entity on the visual display (column 3, lines 62-column 4, lines 14, column 4, lines 53-column 5, lines 34). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Lu (U.S. Patent No. 6,603,420) with Baskin (U.S. Patent No. 5,307,055), so that the user can sort the stored data in the wireless transceiver by privately monitoring on the transceiver's display before displaying on the big screen to an audience which makes perfect and effective presentation (as suggested by Baskin).

Regarding claims 36, Lu discloses a wireless device comprising a wireless transceiver (figure 1-4), a proprioceptive sensor (column 1, lines 42-54, column 1, lines 66-column 2, lines 11), having program instructions to send a mobile entity from the wireless device to another device (column 1, lines 66-column 2, lines 24), comprising first program instructions to detect a change in an orientation of the wireless device from an output of the proprioceptive sensor; and second program instructions, responsive to the detected change in orientation, to transmit a description of the mobile entity via the wireless transceiver to the another device (column 5, lines 38-column 6, lines 21). However, Lu fails to disclose data processor operating under control of a stored program. But, Baskin discloses data processor operating under control of a stored program (figure 1, number 13). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Lu (U.S. Patent No. 6,603,420) with Baskin (U.S. Patent No. 5,307,055), so that the user can sort the stored data before displaying on the big screen to an audience which makes perfect and effective presentation (as suggested by Baskin).

7. Claims 29, 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (U.S. Patent No. 6,603,420) and Baskin (U.S. Patent No. 5,307,055) as applied to claim 28 above, and further in view of Eaton (U.S. Patent No. 6,577,849).

Regarding claims 29, 35 the combination of Lu and Baskin disclose the method of claims 28 and 34 respectively. However, Lu and Baskin fail to disclose deleting the description of the mobile entity from a memory of the first wireless device. But, Eaton discloses deleting the description of the mobile entity from a memory of the first wireless device (figure 12, column 11, lines 51-59, column 15, lines 4-6). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Lu (U.S. Patent No. 6,603,420) and Baskin (U.S. Patent No. 5,307,055) with Eaton (U.S. Patent No. 6,577,849) so that the user can pick and chose privately before displaying on the big screen, for example, during presentation or when watching TV at home which eliminates confusion.

Claims 31, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (U.S. Patent No. 6,603,420) and Baskin (U.S. Patent No. 5,307,055) as applied to claim 30 above, and further in view of Hardouin (U.S. Patent No. 6,311,078).

Regarding claims 31, 37, the combination of Lu and Baskin disclose the method of claims 30 and 36 respectively. However, Lu and Baskin fail to disclose determining whether to accept or refuse the transmitted description based on an orientation of the second device as detected from

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an output of a proprioceptive sensor of the second device. But, Hardouin discloses determining whether to accept or refuse the transmitted description based on an orientation of the second device as detected from an output of a proprioceptive sensor of the second device (column 2, lines 17-32, figure 2, numbers 201-21). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Lu (U.S. Patent No. 6,603,420) and Baskin (U.S. Patent No. 5,307,055) with Hardouin (U.S. Patent No. 6, 311, 078) in order to prevent the user from accident (as suggested by Hardouin).

8. Claims 33, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lands (U.S. Patent No. 6,411,828) in view of Hardouin (U.S. Patent No. 6, 311, 078).

Regarding claims 33, 39, Lands discloses a method as in claim 32. However, Lands fails to disclose where setting the call reception state comprises selecting a content of a message to be presented to a calling party. But, Hardouin discloses where setting the call reception state comprises selecting a content of a message to be presented to a calling party (column 2, lines 17-32, figures 2, 3). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Lands (U.S. Patent No. 6,411,828) with Hardouin (U.S. Patent No. 6, 311, 078) in order to prevent the user from accident (as suggested by Hardouin).

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Allowable Subject Matter

9. Claims 1-13 are allowed.

Regarding claims 1-13, the applied references fail to disclose, or render obvious the claimed limitations that a processor for converting a keypad event to a character encoding selected from a set of character encodings based on an orientation state as specified in the claim.

10. Applicant's arguments with respect to claims 14-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hebere (U.S. Patent No. 5,302,968) Wireless Remote Control and Zoom System for a Video Display Apparatus

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828. The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


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